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| APPLICATION NO.                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------------|------------------|
| 09/747,428                        | 12/22/2000  | Neelam N. Vaidya     | 0007056-0174/P5701NP/ARG/ | 1488             |
| 26263                             | 7590        | 09/26/2005           | EXAMINER                  |                  |
| SONNENSCHEIN NATH & ROSENTHAL LLP |             |                      | AL HASHEMI, SANA A        |                  |
| P.O. BOX 061080                   |             |                      | ART UNIT                  | PAPER NUMBER     |
| WACKER DRIVE STATION, SEARS TOWER |             |                      |                           |                  |
| CHICAGO, IL 60606-1080            |             |                      | 2161                      |                  |

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                 |               |
|------------------------------|-----------------|---------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |
|                              | 09/747,428      | VAIDYA ET AL. |
|                              | Examiner        | Art Unit      |
|                              | Sana Al-Hashemi | 2161          |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date _____.</li> </ol> | <ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol> |
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## **DETAILED ACTION**

1. This action is issued in response to applicant's notes of appeal filed 9/7/05.
2. Claims 1-24 are pending.
3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.
4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The Applicant argues that the below grounds of rejection were new-grounds of rejection, not necessitated by Applicant response. The Examiner agrees. A non-final action will be mailed to the applicant and restart the time.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunnell, and further in view of Velonis et al. (Velonis hereinafter)(US Patent No. 6,772,408).

Regarding Claims 1, 6, 11, and 16, Bunnell discloses a method for managing a plurality of nodes in a layered hierarchically organized database stored in a server on a computer network (see Fig. 2, 30, column 6, lines 27-32, Bunnell) comprising:

accessing a subset of said nodes in response to a client request (see column 5, lines 21-27, Bunnell);

modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request (see column 6, lines 7-10, Bunnell); and

Bunnell discloses all the claimed subject matter as set forth in the rejection above, but Bunnell does not explicitly disclose the method managing said nodes using said state attributes, wherein each one of the state attributes comprises an extensible Markup Language (XML) format attribute. However, Velonis discloses the use of an extensible Markup Language (XML) (Col. 6, lines 45-54, Velonis). It would have been obvious to the ordinary skilled artisan at the time of the invention to use the XML of Morgenstren in Bunnell by using XML. The ordinary skilled artisan would have been motivated to make such modification in order to extend and eventually supersede HTML, since it's well known that XML, allows web developers and designers create customized tags that offer greater flexibility in organizing and presenting information than is possible with the older HTML document coding system. XML is defined as a language standard published by the W3C and supported by the industry.

Regarding Claims 2, 7, 12, and 17, the combination of Bunnell/Velonis discloses a method wherein said state attributes indicate that a corresponding data element is one of updated default, deleted, and added (see Fig. 3, step 55, column 9, lines 18-21, Bunnell).

Regarding Claims 3, 8, 13, and 18, the combination of Bunnell/Velonis discloses a method wherein each one of said state attributes includes a value of one of default, replaced, modified, and deleted, indicating a last action taken on a corresponding data element (see column 7, lines 37-39, and column 9, lines 39-55, Bunnell).

Regarding Claims 4, 9, 14, 19, and 21-24, the combination of Bunnell/Velonis discloses the method wherein each one of said nodes comprises an XML node (see column 45, lines 38-45, Morgenstern).

Regarding Claims 5, 10, 15, and 20, the combination of Bunnell/Velonis discloses a method wherein said nodes are organized in a Document Object Model format (see column 10, lines 64-53, Bunnell).

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
February 23, 2005